

ECF Admin. Procedures Proposed Changes Summary (2/20/08)

Cover Page: Change to note Fifth Amended version and new implementation date.

Table of Contents:

I: Section “C” previously entitled “Registration” changed to “User Registration and Responsibilities.”

II: New “D” section on E-Mail Address notification added requiring all subsequent sections to be re-labeled, numbered, etc.; section previously entitled “Correcting Docket Entries” changed to “Correcting Errors in Electronic Filings”; Added a new section “M” entitled “Retention Requirements.”

Sections:

I. C. Registration to User Registration and Responsibilities

Adding additional information to note more of what is required to register and be a good ECF user.

New Text

1. Each attorney desiring to file pleadings or other papers electronically must:
 - a. have completed required training in use of the System. This requirement can be met by having attended a court provided CM/ECF training seminar, completion of the court’s on-line training module, or already being a registered ECF user in another U.S. Bankruptcy Court.
 - b. sign, notarize, and submit a completed original Attorney Registration Form. (This form may be found on the Court’s website.)
 - c. provide the Court with a current e-mail address for use with the System and to comply with Paragraph II.D.
 - d. once registered, maintain all applicable user account information on the System including current address, telephone number, and e-mail address. If there is evidence that a user account is not being maintained as required, it may be deactivated by the Court.
 - e. once registered, notify the Court of any change in user status or change in firm affiliation so that updates to applicable case and user related information can be made.

2. Limited filing is available for the following filers:

- Attorneys appearing Pro Hoc Vice
- Individuals authorized to prepare and file Proof of Claim(s)
- Individuals authorized to appear on behalf of a child support creditor
- Individuals authorized to file Motion to Withdraw Unclaimed Funds
- Individuals authorized to submit Reaffirmation Agreements

Individuals desiring to file documents via this method must:

- a. have completed required training in use of the System. This requirement can be met by having attended a court provided CM/ECF training seminar, completion of the Court's on-line training module, or already being a registered user in another U.S. Bankruptcy Court.
- b. complete and sign an *Application For Limited Use Access to Electronic Case Filing System*. (This form may be found on the Court's website.)
- c. provide the Court with a current e-mail address.
- d. once registered, provide the Court with any updates to applicable user account information including current address, telephone number, and e-mail address. If there is evidence that a user account is not being maintained as required, it may be de-activated by the Court.
- e. once registered, notify the Court of any change in user status or change in firm affiliation so that updates to applicable case and user related information can be made.

II. A. Filing

Language requesting that applicable items be filed by the close of business the day before a hearing so that parties can adequately prepare.

New text

- 7. So that interested parties can properly prepare for upcoming hearings, users are requested to file all applicable hearing related pleadings, documents, and/or papers by the close of business the day prior to the hearing.

II. C. Signatures

Clarification of what is needed for an electronic signature to be valid.

New text

1. Signatures for the electronic filing of a petition, pleading, motion, claim, or other paper by an attorney or unrepresented party who is a registered participant of the System for FRBP 9011 and other applicable rules are valid only when the filing is accomplished via their authorized system log-in **and** the PDF filed contains either a scanned image of any original signature(s) or the text “/s/ user name” where an original signature should occur.
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in the System. Applicable retention requirements can be found in Paragraph II.M.

II. D. INCLUSION OF E-MAIL ADDRESS IN PLEADINGS (NEW)

Added based on user requests.

New text

All registered participants must include a working e-mail address on all filed pleadings so that parties may communicate as needed on applicable case related issues.

II. F. (formerly E.) Orders

Shift in Clerk’s Office coverage of Panama City made in 2007 and information updated so that the proper e-mail address is referenced. In addition, signature related provisions updated to reflect changes noted above in II.C.

New text

2. b. The Order must be in word processing format and be an attachment to the e-mail and include applicable language noting the consent and/or approval of parties at the time of submission.
4. All signatures, including those of unregistered users, are to be in accordance with Paragraph II.C. Original signatures obtained for consent purposes are to be kept on file by the party submitting the Order.

II. J. (formerly I.) Correcting Docket Entries to Correcting Errors in Electronic Filing

Adding information to clarify the steps taken to correct errors that are detected.

New text

Electronic filings appear on the court docket immediately upon submission. If a document contains errors or is filed in error, corrective action may be required from the filer before the pleading will be considered by the Court.

1. Submission error.

If an action is required from the filer, the error notification will come in the form of a “*Submission Error Notification*” entered on the docket by the Clerk’s Office. This docket entry automatically generates an e-mail notice to the registered user who filed the pleading. **THIS IS THE ONLY NOTICE YOU WILL RECEIVE ADVISING YOU THAT CORRECTIVE ACTION IS NECESSARY.** The e-mail will identify the nature of the error and will inform the filer if an action on their part is necessary in order for the filing to be considered by the Court as well as any applicable time frame in which the action needs to be taken.

2. Corrective entries.

Some errors can be corrected by the Clerk’s Office making it unnecessary for the filer to take corrective action. In those instances, the Court will generally make the necessary corrections. To maintain the integrity of the court docket, any changes made by court staff will be noted on the docket with the text “*Corrective Entry.*” The entry will identify the nature of any changes made by the Clerk’s Office and it is not necessary for the filing party to take any action to correct the entry.

II. L. Case Numbers

Updated text/verbiage to reflect post conversion status.

II. M. RETENTION REQUIREMENTS (new)

Added to centralize retention related information.

1. Documents filed electronically by registered users

a. All petitions, lists, schedules, statements, pleadings, affidavits and other documents that require verification under FRBP 1008 and an unsworn declaration as provided in 28 U.S.C. § 1746 must be retained with the original signatures by the attorney or other registered user who files such a document or other paper for four (4) years after the closing of the case.

b. With respect to petitions filed electronically, the filing attorney shall retain an originally executed copy of Official Form 21 until four (4) years after the closing of the case.

2. Pro Se filings

a. The Court will retain and archive hard copies of Pro Se filings that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. §1746.

b. The Court will retain the original Official Form 21 until four (4) years after the closing of the case.

III. D. Privacy Provisions 3-6.

Update to reflect most recent Judicial Conference policy.

New text

3. In order to protect personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact, the following personal data identifiers from all documents and pleadings filed with the Court, including attachments thereto, unless required by statute, Federal Rules of Bankruptcy Procedure, Official Bankruptcy Forms, or otherwise ordered by the Court:

a. Social security number: If an individual's social security number must be included in a pleading, only the last four digits of that number should be used except when submitting Official Form 21 on which the entire social security number should appear.

b. Names of minor children: If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Form 6, list the relationship and age of the debtor's dependents (i.e., son, age 6).

c. Dates of birth: If an individual's date of birth must be included in a pleading, only the year should be used.

d. The responsibility for redacting personal identifiers described above rests solely with legal counsel and parties filing documents with the court. The Clerk's Office will not alter, review or inspect any document for compliance with privacy rules.

4. Attorneys shall not file or submit any additional statements or verifications of the debtor's social security number.

5. With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed.
6. Originally executed copies of Official Form 21 will not be accessible to parties, the bar, or the public.